

ORDINANCE NO. 1025

AN ORDINANCE OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO, ESTABLISHING NEW AND/OR REVISING EXISTING FEES AS PROVIDED FOR IN CHAPTER 10 OF THE TOWN OF BERTHOUD DEVELOPMENT CODE AND IN ORDINANCE 985; INCLUDING APPLICATION FEES; DEVELOPMENT REVIEW FEE DEPOSIT SCHEDULE; AND THE HOURLY FEES FOR TOWN PERSONNEL AND CONSULTANTS INVOLVED IN DEVELOPMENT REVIEW; AMENDING 30-10-104 OF THE TOWN OF BERTHOUD DEVELOPMENT CODE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE:

BE IT ORDAINED BY THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES COLORADO THAT:

WHEREAS, the Board of Trustees has determined that the fiscal impact of annexation, subdivision and development should properly be borne by those parties who receive the benefits;

WHEREAS, on January 13, 2004, the Board of Trustees passed Ordinance No. 985, establishing new and/or revising application fees; establishing a Development Review Fee Deposit Schedule; and revising hourly fees for Town Personnel and consultants involved in development review;

WHEREAS, some of the existing fees in Ordinance No. 985 Amending Chapter 10 of the Town of Berthoud Development Code do not adequately cover expenses incurred for development reviews based upon two years of tracking costs associated with development applications;

WHEREAS, the Town should annually reevaluate its development application fees and development review fee deposit schedule;

WHEREAS, the Town should annually establish hourly fees for Town personnel involved in the review of Development Review Applications;

WHEREAS, the Town's staff has reevaluated the typical municipal expenditures incurred by the Town in processing development applications;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO:

SECTION I. That the following application fees supplement Section 30-10-104 A. of the *Town of Berthoud Development Code* and repeals those provisions in conflict herewith:

1. Construction Plans	\$ 500.00
2. Metro District	\$1,500.00 – another fee to be collected upon approval

SECTION II. The application (submittal) fees provided for in Section 30-10-104 A. of the Town of Berthoud Development Code are hereby revised as follows:

1. Sketch Plan	\$ 150.00 – each presentation to the Town Board
2. Appeal to Administrative Decision	\$ 100.00 – no change
3. Comp Plan Amendment	\$ 250.00 – less than 5 acres \$ 500.00 – more than 5 acres
4. Vested Rights	\$ 200.00 – more than the 3 year minimum
5. Telecommunications	\$ 500.00 - no change
6. Temporary Use	\$ 100.00 - no change
7. Out of town utility request	\$ 300.00 - no change
8. Plat Amendment (replat)	\$ 250.00 - no change

9.	Time Extension for Plat/Plan	\$ 100.00 - no change
10.	Vacation of Plat	\$ 250.00 - no change
11.	Master Planning (a one-time fee)	\$ 40.00 per acre - Collected at annexation, rezoning, or amendment to a plan.
12.	Lot Line Merger	\$ 100.00 - no change
13.	Amendment to PUD – Text/Architecture	\$ 200.00
14.	Amendment to PUD – Plan	\$ 500.00
15.	Annexation	\$ 750.00
16.	Master Plan	\$ 750.00
17.	Preliminary Plat*	\$ 750.00
18.	Final Plat**	\$ 750.00
19.	Minor Subdivision	\$ 300.00
20.	Overall Development Plan	\$ 750.00
21.	Preliminary Development Plan	\$ 750.00
22.	Final Development Plan	\$ 750.00
23.	Rezoning	\$ 750.00
24.	Site Plan	\$ 300.00
25.	Special Use Review	\$ 300.00
26.	Variance	\$ 100.00 (no change)
27.	R.O.W. and Easement Vacation	\$ 250.00 per Vacation – no change

The Master Planning fee is a one-time fee per property. It is to be collected at time of annexation, rezoning and/or submittal of a master plan, site plan or the original land use plan for a planned unit development, including an overall development plan (ODP), preliminary development (PDP) or a final development plan (FDP). In the instance a request to amend an approved PUD is submitted to the Town, the master planning fee shall be imposed, if not previously collected. An amendment shall trigger the collection of the master planning fee, if it includes a change in use(s), density (residential), and/or intensity (nonresidential) as well as involves a need to alter transportation or utilities, if such features are identified in any of the Town's master plans, including parks, open lands, recreation, trails, streets, storm water or utilities.

**SECTION III.** Development Review Deposit Schedule. In addition to the Application Fee(s), the following development review deposit(s) shall be provided to the Town at the time of submittal of a Development Review Application.

The development review deposit schedule fees provided for in Section 30-10-104 A. of the Town of Berthoud Development Code are hereby revised as follows:

Sketch Plan	\$ 150.00 – no change	
Annexation	\$ 500.00 + \$15/acre	
Master Plan	\$ 500.00 + \$15/acre	
Preliminary Subdivision Plat*	\$ 750.00 + \$15/unit and \$15/acre if non-residential	
Final Subdivision Plat**	\$ 750.00 + \$20/unit and \$20/acre if non-residential	
Minor Subdivision Plat	\$ 500.00 – no change	
PUD – Overall Development Plan	\$ 500.00 + \$15/acre	
PUD – Preliminary Development Plan	\$ 750.00 + \$15/unit and \$15/acre if non-residential	
PUD – Final Dev. Plan (with C.D.'s)	\$ 750.00 + \$20/unit and \$20/acre if non-residential	
Rezoning/Zoning	Up to 10 acres	\$ 250.00 – no change
	10 < 40 acre	\$ 500.00 – no change
	40 < 160 acres	\$ 750.00 – no change
	160 + acres	\$ 1,000.00 – no change
Final Site Plan (with C. D.'s)***	\$ 750.00 + \$15/unit and \$15/acre if non-residential	
Special Use Review	\$ 750.00 + \$15/unit and \$15/acre if non-residential	
Variance	No Deposit	
R.O.W. and Easement Vacation	\$ 500.00 per Vacation – no change	
Lot Line Merger	\$ 150.00 – no change	

Comp Plan Amendment	\$ 150.00 – no change
Appeals of Administrative Decision	\$ 150.00 – no change
Vested Rights	\$ 150.00 – no change
Telecommunications	\$ 1,500.00 – new freestanding facility – no change \$ 1,000.00 – referred to PC & BOT – no change \$ 500.00 – administrative review - no change
Amendment to PUD – Text/Architecture	\$ 300.00
Amendment to PUD – Plan	\$ 1,500.00
Amendment to Preliminary Plat	\$ 500.00
Amendment to Final Plat	\$ 500.00
Amendment to Plan	\$ 1,500.00
Review of Preliminary Drainage Plan	\$ 250.00 if less than 1 acre – no change \$ 500.00 if 1 < 20 acres \$ 1,000.00 if 20 < 100 acres \$ 1,500.00 100 + acres
Review of Final Drainage Plan	\$ 500.00 if less than 1 acre – no change \$ 1,000.00 if 1 < 20 acres \$ 2,000.00 if 20 < 100 acres \$ 2,500.00 100 + acres
Review of Preliminary T.I.S.	\$ 250.00 if less than 1 acre – no change \$ 500.00 if 1 < 20 acres \$ 1,000.00 if 20 < 100 acres \$ 1,500.00 100 + acres
Review of Final T.I.S.	\$ 500.00 if less than 1 acre – no change \$ 1,000.00 if 1 – 20 acres \$ 2,000.00 if 20 – 100 acres \$ 2,500.00 if over 100 acres
Metro District	\$ 2,500.00

\* Waived if processed concurrently with a PDP

\*\* Waived if processed concurrently with an FDP

\*\*\* \$300 if property is less than 1 acre

**SECTION IV.** Section 30-10-104 B. of the Town of Berthoud's Development Code is hereby amended as follows:

**C. Calculation of Fees:** It is the applicant's responsibility to bear all costs related to the processing of a Development Review Application, including costs for review by consultants hired by the Town to assist with technical review of development projects. These consultants include, but are not limited to, engineering, planning, transportation, and legal. In order to keep track of the expenses incurred by the Town, the Town's staff, including, but not limited to, public works, planning, and administration, shall keep track of the time expended by each person involved in the process precipitated by the submittal of a Development Review Application. The applicant is also responsible for paying incidental costs such as postage, recording, mileage and publication fees.

The following hourly rates have been established for each staff person for reimbursement of staff time spent on development projects:

Arborist	\$ 55.00
Planning Technician	\$ 55.00
Senior Planner/Engineer	\$ 70.00
Building Official	\$ 90.00
Parks and Recreation Director	\$ 75.00
Planning Director	\$ 90.00
Public Works Director	\$ 90.00

Town Administrator	\$110.00
Consultants	\$ 30.00 - \$160.00 depending on position

Due to numerous unforeseen factors, it is impossible to determine the actual expenses that may be incurred for review of development proposals. Therefore, at such time as expenses are in excess of the development review fee deposit amount, subsequent deposits shall be requested by the Planning Director. This amount will be based upon the status of the project and outstanding issues. In no event will review of a project continue once deposited development review fees have been exhausted until the Town has received a further deposit sufficient to cover anticipated expenses. Once final review is completed, any remaining development review fee deposit funds will be reimbursed to the applicant. The Town will provide regular statements to the Developer which shall describe in detail the dates, times and types of services being provided. In the event these fees or costs are disputed, the Developer may, within two (2) months of the date of the Town's statement, file with the Town a written request for review which shall specify the fees or costs being disputed. Within one (1) month after the receipt of the written request for review, the Town Administrator shall meet with the Developer to provide the Developer with an opportunity for hearing with respect to the disputed fee or cost. The Town Administrator shall send to the Developer a written response within two (2) weeks of the hearing.

The Town Administrator or Board of Trustees may waive all or any portion of the deposit and administrative expenses for an annexation, zoning, or variance when it is determined that the deposit is extremely disproportionate to the Town's anticipated actual costs or it is in the Town's best interest not to charge a fee.

**SECTION V.** All ordinances or parts of ordinances in force, including Ordinance 707, 722, and 985 which are inconsistent or in conflict with the terms or provisions contained in this ordinance are hereby repealed to the extent of any such conflict when the provisions of this ordinance become effective.

**SECTION VI.** The provisions established in Section IV, Amending Section 30-10-104 B. of the *Town of Berthoud Development Code* shall be applicable to all applications currently under review (active as well as inactive) when the provisions of this ordinance become effective.

**SECTION VII.** In order to ensure the fiscal stability of the Town, the Board of Trustees has determined that an emergency exists and this Ordinance shall take effect and be in force immediately after its passage and approval.

At its meeting on January 24, 2006, a public hearing was set by the Board of Trustees of the Town of Berthoud for its meeting held on February 14, 2006. After the public hearing, the Ordinance was read, passed by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed and ordered published by the Board of Trustees at its meeting this 14<sup>th</sup> day of February, 2006.

ATTEST:

Mary K. Cowdin  
Mary K. Cowdin, Town Clerk

TOWN OF BERTHOUD

Milan Karspeck  
Milan Karspeck - Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
R.B. Fickel, Town Attorney

Published: 3-2-06